

REMARKS

1

The Abstract of the Disclosure was objected to and the same has been amended. In addition, the Examiner's suggestions set forth at the bottom of page 2 of the Office Action have been accomplished. Corrected drawings are also attached.

5

The Examiner indicated that claims 4, 5, 9-13 and 24-28 would be allowable if rewritten in independent form to include all of the limitations of the base claim and any intervening claims. Accordingly, claims 4 and 24 have been rewritten in independent form as newly submitted claims 33 and 34, respectively. Claim 5 has been amended to depend from claim 33 rather than cancelled claim 4. Claim 25 has been amended to depend from claim 34 rather than cancelled claim 24. Accordingly, it is believed that claims 33, 34, 5, 9-13 and 25-28 are in condition for allowance.

10

Claims 3, 15-22, 23 and 29-32 were rejected under 35 U.S.C. § 101 as claiming the same invention as that of claims 26, 8-15, 20 and 22-25 of prior U.S. Patent No. 6,843,002 B1. Counsel for applicant has carefully reviewed the Examiner's 35 U.S.C. § 101 rejection and agrees with the same with the exception of the Examiner's rejection of claims 21 and 22. Claim 21 does not claim the same invention of claim 14 of the '002 patent. Claim 21 differs from claim 14 of the '002 patent in that claim 21 describes that the blade position lever is in an unlocked position when the forward end of the mounting frame and the blade are positioned at a first predetermined height with respect to the vehicle while claim 14 of the '002 patent describes that the blade position lever is in an unlocked position when the forward end of the mounting frame is in its raised position. Claim 22 of the instant

15

20

25

1 application differs from claim 15 of the '002 patent in that claim 22 specifically  
describes that the locking mechanism is in a locked position when the forward end of  
the mounting frame and the blade are positioned below the said first predetermined  
height while claim 15 of the '002 patent describes that the blade position lever is in an  
5 unlocked position when the forward end of the mounting frame is in its raised  
position. Applicant submits that claims 21 and 22 do not claim the same invention as  
that of claims 14 and 15 of the '002 patent. In an effort to expedite the prosecution of  
this application, claim 21 has been rewritten in independent form as newly submitted  
10 claim 35 and includes all of the limitations of claims 15 and 21. Claim 22 has been  
rewritten as newly submitted claim 36 to depend from claim 35 rather than cancelled  
claim 21. It is therefore believed that claims 35 and 36 are also allowable.

Inasmuch as claims 1-4, 6-8 and 15-24 have been cancelled, the remaining  
claims should be in condition for allowance.

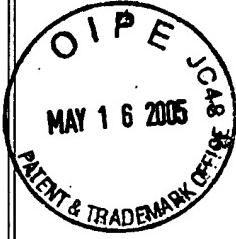
15 No fees or extensions of time are believed to be due in connection with this  
Amendment; however, please consider this a request for any extension inadvertently  
omitted and charge any additional fees to Deposit Account No. 502093.

20 Respectfully submitted,



DENNIS L. THOMTE  
Registration No. 22,497  
THOMTE, MAZOUR & NIEBERGALL  
Attorneys of Record

25 2120 S. 72nd Street, Suite 1111  
Omaha, NE 68124  
(402) 392-2280



1

### CERTIFICATE OF MAILING

I hereby certify that the original of this AMENDMENT for CHADRON D. MOFFITT, Serial No. 10/699,762, was mailed by first class mail, postage prepaid, to Mail Stop Amendment, Commissioner for Patents, Alexandria, VA 22313, on this 11<sup>th</sup> day of May, 2005.

5

Dennis L. Thomte  
DENNIS L. THOMTE

10

15

20

25